

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MORRIS ROBERSON,	)	Case No.: 1:22-cv-0833 JLT SAB (PC)
	)	
Plaintiff,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATIONS AND DISMISSING
v.	)	CERTAIN CLAIMS AND DEFENDANTS
	)	
CDCR, et al.,	)	(Doc. 11)
	)	
Defendants.	)	
	)	
	)	

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Previously, the assigned magistrate judge found Plaintiff stated cognizable claims for excessive force claim against Chavez, Salazer, Kyt, Lirio and Furlong, and failure to intervene claim against defendants Valero, Rodriguez, Charles, Furlong, Acebedo, Lirio, Hunter, Loza and Gonzalez. (Doc. 8.) However, Plaintiff failed to allege facts sufficient to support his other claims. On September 12, 2022, Plaintiff filed a notice of his willingness to proceed only upon the claims found cognizable and “dismiss all other claims.” (Doc. 9.) Therefore, the magistrate judge recommended the action proceed only on Plaintiff’s cognizable claims, and all other claims and defendants be dismissed. (Doc. 11.)

The court granted Plaintiff was 14 days to file any objections to the Findings and Recommendations. (Doc. 11 at 2.) In addition, Plaintiff was informed “failure to file objections within the specified time may result in the waiver of rights on appeal. (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, Plaintiff has not filed objections and the deadline to do so has passed.

1 According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court conducted a *de novo*  
2 review of this case. Having carefully reviewed the entire matter, the Court finds the Findings and  
3 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on September 13, 2022 (Doc. 11), are  
5 **ADOPTED** in full.
- 6 2. This action **SHALL** proceed only on Plaintiff's excessive force claim against Chavez,  
7 Salazer, Kyt, Lirio and Furlong, and failure to intervene claim against defendants  
8 Valero, Rodriguez, Charles, Furlong, Acebedo, Lirio, Hunter, Loza and Gonzalez.
- 9 3. All other claims and defendants are **DISMISSED** from the action.
- 10 4. The matter is referred to the magistrate judge for further proceedings.

11  
12 IT IS SO ORDERED.

13 Dated: **October 7, 2022**

  
UNITED STATES DISTRICT JUDGE